

patent to be issued. *Cunningham v. Browning*, 1 Bland, 320; *The Rail Road v. Hoyer*, 2 Bland, 258.

From which it appears, that although it may be the duty of the Chancellor, in controversies of this kind, on the one hand, to intercept patents about to be irregularly issued, to quiet possessions and prevent litigation; *Land Ho. Assis.* 425; so, on the other, he has ever held it to *be his imperative duty to smother no
466 reasonable or plausible claim, or to withhold it from the deliberate examination of the ordinary and regular Courts of justice. *Johnson v. Hawn*, *Land Ho. Assis.* 418.

Some time after Baltimore had been laid out as a town the Legislature passed a law, by which a considerable addition was made to it; and, among other things, it was declared, that certain commissioners, seven in number, appointed to see the present and former Acts, relating to the towns before mentioned, Baltimore and Jones' Towns, put in execution; and cause them to be carefully surveyed by their outlines, therein including the branch, to wit: Jones Falls, over which the bridge is built; and shall, from time

having been returned, they could not, I apprehend, have been afterwards affected by a common warrant; and, by what you say in the foregoing statement, no warrant under the proclamation to affect them, by reason, that no certificates on Mr. Bladen's warrant were to be found in the office; and, if, under these circumstances, such special warrants as were granted to Doctor Ross would not affect the lands, it seems to me, that a person, for whom land hath once been surveyed, has nothing more to do than, by a collusion with the surveyor, or indeed, without such collusion, after his certificate shall have been returned to the office, and there minuted to withdraw it again, under pretence of having it examined, of settling with the agent, or for some other purpose; and, for the future, keeping it in his hands in order totally to prevent his lordship from receiving one shilling for the land, either from the party himself or by sale of it to any other person.

The warrants granted to Doctor Ross being of such a nature as oblige him, over and above the caution money paid by him at the time they were obtained, to pay for any improvements on the land or cultivation, the Lord Proprietary's interest seems, in this case, to have been consulted as much, in every respect, as it would have been had warrants issued under the proclamation. Nor do I conceive warrants under the proclamation could do any thing more besides describing the land, and intimating, that the person for whom the same lands was formerly surveyed had neglected to sue out patents within the two years, according to his lordship's 11th instruction, quoted in the above statement.

If then Doctor Ross has been regular in his application and proceedings, did pay the caution money to his lordship on obtaining his warrants, and has done every thing in his power to entitle himself to patents; while, on the contrary, there has been great irregularity and neglect, at least, on the part of Mr. Bladen; and the laying the former under any difficulties would tend to prevent application to the office for the future for lands liable to be taken up under his lordship's instruction, I am of opinion, with you, that patents should forthwith issue to Dr. Ross for the 2,254 acres by him affected in the manner above stated.—*Land Records, lib. B. C. & G. S. No. 15, fol. 814.*